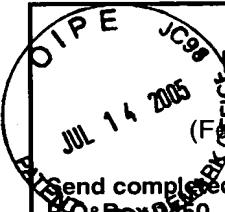


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|  |                               |                        |
|--|-------------------------------|------------------------|
|  <p><b>PETITION FEE</b><br/>Under 37 CFR 1.17(f), (g) &amp; (h)<br/><b>TRANSMITTAL</b><br/>(Fees are subject to annual revision)<br/>Send completed form to: Commissioner for Patents<br/>P.O. Box 1450, Alexandria, VA 22313-1450</p> | <i>Application Number</i>     | 10/736,630             |
|  | <i>Filing Date</i>            | December 17, 2003      |
|  | <i>First Named Inventor</i>   | Takaki NAKAMURA et al. |
|  | <i>Art Unit</i>               | 2153                   |
|  | <i>Examiner Name</i>          | Not yet assigned       |
|  | <i>Attorney Docket Number</i> | 1213.43347X00          |

Enclosed is a petition filed under 37 CFR 1.102(d) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$130.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

**Payment of Fees** (small entity amounts are NOT available for the petition (fees)

The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 50-1417:

petition fee under 37 CFR 1.17(f), (g) or (h)       any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

Check in the amount of \$ \_\_\_\_\_ is enclosed.

Payment by credit card (From PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Petition Fees under 37 CFR 1.17(f):      Fee \$400      Fee Code 1462**

For petitions filed under:

- § 1.53(e) - to accord a filing date.
- § 1.57(a) - to according a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(e) for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

**Petition Fees under 37 CFR 1.17(g):      Fee \$200      Fee code 1463**

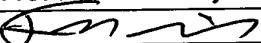
For petitions filed under:

- §1.12 - for access to an assignment record.
- §1.14 - for access to an application.
- §1.47 - for filing by other than all the inventors or a person not the inventor.
- §1.59 - for expungement of information.
- §1.103(a) - to suspend action in an application.
- §1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- §1.295 - for review of refusal to publish a statutory invention registration.
- §1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- §1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- §1.550(c) - for patent owner requests for extension of time in ex parte reexamination proceedings.
- §1.956 - for patent owner requests for extension of time in inter partes reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

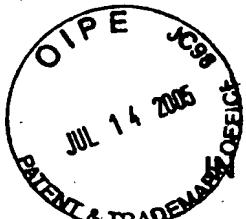
**Petition Fees under 37 CFR 1.17(h):      Fee \$130      Fee Code 1464**

For petitions filed under:

- §1.19(g) - to request documents in a form other than that provided in this part.
- §1.84 - for accepting color drawings or photographs.
- §1.91 - for entry of a model or exhibit.
- §1.102(d) - to make an application special.
- §1.138(c) - to expressly abandon an application to avoid publication.
- §1.313 - to withdraw an application from issue.
- §1.314 - to defer issuance of a patent.

|                   |   |                                   |               |
|-------------------|---|-----------------------------------|---------------|
| Name (Print/Type) | Frederick D. Bailey   | Registration No. (Attorney/Agent) | 42,282        |
| Signature         |  | Date                              | July 14, 2005 |

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



1213.43347X00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Takaki NAKAMURA et al.

Serial No.: 10/736,630

Filed: December 17, 2003

For: DISTRIBUTED FILE SYSTEM

PETITION TO MAKE SPECIAL  
UNDER 37 CFR §1.102(MPEP §708.02)

**MS Petition**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

July 14, 2005

Sir:

Applicants hereby petition the Commissioner to make the above-identified application special in accordance with 37 CFR §1.102(d). Pursuant to MPEP §708.02(VIII), Applicants state the following.

**(A) This Petition is accompanied by the fee set forth in 37 CFR §1.17(h).**

The Commissioner is hereby authorized to charge any additional payment due, or to credit any overpayment, to Deposit Account No. 50-1417.

**(B) All claims are directed to a single invention.**

If the Office determines that all claims are not directed to a single invention, Applicant will make an election without traverse as a prerequisite to the grant of special status in conformity with established telephone restriction practice.

**(C) A pre-examination search has been conducted.**

The search was directed towards a storage system. More particularly, the search was conducted to find prior art for claims 1-16 of U.S. Application No. 10/736,630. The claims relate to, at a minimum, a distributed file system comprising: a storage device for holding files, multiple clients for carrying out file operations on a storage device, a server using tokens to control rights to file reading and writing operations by a client, and a network connecting clients, a storage device and a server, wherein: a server contains a token revoke request means for sending a token revoke request for demanding the return of a token granting rights to write on a file, to a client holding a token; and a token revoke request means sends a token revoke request containing information on a client requesting a file, and information showing the contents of a token a client is requesting; a distributed file system, wherein said client comprising: a memory section for holding file data loaded from said storage device; and a data output means for sending a file held in said memory section and relating to said token, to said server of said client requesting said token when said token revoke request is received.

The search of the above features was conducted in the following areas:

| <u>Class</u> | <u>Subclass</u> |
|--------------|-----------------|
| 707          | 8, 9, 10        |
| 709          | 201, 229        |

**(D) The following is a list of the references deemed most closely related to the subject matter encompassed by the claims:**

| <u>U.S. Patent Number</u> | <u>Inventors</u> |
|---------------------------|------------------|
| 5,175,851                 | Johnson et al.   |
| 5,634,122                 | Loucks et al.    |
| 5,845,082                 | Murakami         |
| 6,385,701                 | Krein et al.     |
| 6,826,570                 | Eshel et al.     |

A copy of each of these references (as well as other references uncovered during the search) is enclosed in an accompanying IDS.

**(E) It is submitted that the present invention is patentable over the references for the following reasons.**

It is submitted that the cited references, whether taken individually or in combination with each other, fail to teach or suggest the invention as claimed. In particular, the cited references, at a minimum, fail to teach or suggest in combination with the other limitations recited in the claims:

a first feature of the present invention as recited in independent claim 1 wherein said token revoke request means sends a token revoke request containing information on a client requesting said file, and information showing the contents of a token said client is requesting, and wherein said client comprises a memory section for holding file data loaded from said storage device and a data output means for sending a file held in said memory section and

relating to said token, to said server of said client requesting said token when said token revoke request is received;

a second feature of the present invention as recited in independent claim 6 wherein said server sends information on the client requesting a token for said file, and information showing the contents of the token that said client is requesting, in the token revoke request sent to another client holding write operation rights to said file to request the return of the token for said write operation rights, and wherein a client that received said token revoke request, sends the file for said token held in said memory section, to the client requesting the token for said file;

a third feature of the present invention as recited in independent claim 11 including a data output means for sending a file for said token holding in said memory section to said client device requesting the token for said file when a request for returning a token for rights to write on said file is received from said server;

a fourth feature of the present invention as recited in independent claim 15 wherein a program makes a server function as a token revoke request means for sending the request for return of a token for rights to file writing, to a client holding rights to write on a file; and

a fifth feature of the present invention as recited in independent claim 16 wherein said program functions as a means for sending files for said token held in said storage section to a client device requesting said token for said file, when a request to revoke a token for rights to write on said file is sent from said server.

To the extent applicable to the present Petition, Applicants submit that although the distinguishing feature(s) may represent a substantial portion of the claimed invention, the claimed invention including said feature(s) and their inter-operation provides a novel storage system and system and method related to or implemented in or by said storage system not taught or suggested by any of the references of record.

The references considered most closely related to the claimed invention are briefly discussed below:

**U.S. Patent No. 5,175,851 (Johnson et al.)** discloses a system and method in which client access to data at a server is synchronized to keep the data consistent by ensuring that each portion of the data accessible for modification at a node is not accessible for reading or modification by any other node, while allowing portions of the data accessible only for reading to be accessible by any number of nodes. If a conflicting request arises from a different client the server must revoke data that has been previously distributed to a client. For a revokes\_bytes request, all outstanding get\_bytes are marked so that the bytes that are being requested to be revoked will be discarded when they do arrive at the client. To insure that read and write system calls on a file are performed in a serializable fashion throughout a distributed environment, each machine at which a read is being performed must acquire a read token and each machine at which a write is being performed must acquire a read/write token from the server for the file. When any machine has a read/write token, no machine is allowed to have a read token, although any number of machines may

have a read token at the same time. The server coordinates the distribution of these tokens by revoking all read tokens whenever a write token is requested and revoking the write token whenever any read token is requested. However, unlike the present invention, Johnson et al. does not disclose or suggest the above described first feature of the present invention as recited in independent claim 1, the above described second feature of the present invention as recited in independent claim 6, the above described third feature of the present invention as recited in independent claim 11, the above described fourth feature of the present invention as recited in independent claim 15, and the above described fifth feature of the present invention as recited in independent claim 16, in combination with the other limitations recited in each of the independent claims.

**U.S. Patent No. 5,634,122 (Loucks et al.)** discloses a system and method for controlling access to shared resources in a distributed computer system. Access to shared resources is controlled by a local authorization token manager. Only computer processes holding authorization tokens for the requested operation may perform that operation. Each requested operation checks for the proper token. If the token is not held by the process, it is requested. The local token manager resolves token conflicts before granting tokens. A token manager of a distributed file system export protocol also is able to request authorization tokens from the local token manager. The export protocol token manager controls authorization tokens for that particular distributed file system protocol. Multiple different export protocols may request tokens from the local token manager. The shared resources may therefore be

shared by multiple different export protocols without conflict. Local processes and processes requesting shared resource operations through an export protocol that does not itself manage tokens are granted tokens through the operation token request mechanism. This mechanism enables local processes to use shared resources without the performance penalty of having to request through a local distributed client process. However, unlike the present invention, Loucks et al. does not disclose or suggest the above described first feature of the present invention as recited in independent claim 1, the above described second feature of the present invention as recited in independent claim 6, the above described third feature of the present invention as recited in independent claim 11, the above described fourth feature of the present invention as recited in independent claim 15, and the above described fifth feature of the present invention as recited in independent claim 16, in combination with the other limitations recited in each of the independent claims.

**U.S. Patent No. 5,845,082 (Murakami)** discloses a node apparatus and a storage apparatus for use with a distributed system and a recovery method for a resource managing server for a distributed system, which are improved in that the load to a server upon recovery of the server is reduced and the memory area of the server can be utilized effectively. The node apparatus is used with a distributed system which includes a plurality of node apparatus each including one or both of a client and a resource managing server and a storage apparatus for storing checkpoints and wherein the plurality of node apparatus and the server are interconnected by way of a network. The node apparatus at least

includes a client, and includes a checkpoint taking unit for allowing, in ordinary operation of the distributed system, the client provided in the node apparatus to take a checkpoint regarding a resource managed by the server, and a unit for storing the checkpoint taken by the checkpoint taking unit in the ordinary operation of the distributed system into the storage apparatus. However, unlike the present invention, Murakami does not disclose or suggest the above described first feature of the present invention as recited in independent claim 1, the above described second feature of the present invention as recited in independent claim 6, the above described third feature of the present invention as recited in independent claim 11, the above described fourth feature of the present invention as recited in independent claim 15, and the above described fifth feature of the present invention as recited in independent claim 16, in combination with the other limitations recited in each of the independent claims.

**U.S. Patent No. 6,385,701 (Krein et al.)** discloses in a computing environment having clients with different semantics or protocols, a capability is provided that enables those clients to share the same data or files. A token management function is provided that allows clients that did not previously support token management to use the token management function to access the shared files. These capabilities are provided without requiring modifications to the client software. However, unlike the present invention, Krein et al. does not disclose or suggest the above described first feature of the present invention as recited in independent claim 1, the above described second feature of the present invention as recited in independent claim 6, the above described third

feature of the present invention as recited in independent claim 11, the above described fourth feature of the present invention as recited in independent claim 15, and the above described fifth feature of the present invention as recited in independent claim 16, in combination with the other limitations recited in each of the independent claims.

**U.S. Patent No. 6,826,570 (Eshel et al.)** discloses concurrent access to data is managed through concurrency control techniques. Various types of techniques are employed to manage the access, including locking-based techniques and non-locking-based techniques. A dynamic switch from one type of concurrency control technique (e.g., a locking-based technique) to a different type of concurrency control technique (e.g., a non-locking-based technique) is enabled. This switching is based on access patterns and/or application requirements for each file. The switching allows enhanced performance for both coarse-grain sharing and fine-grain sharing of data. However, unlike the present invention, Eshel et al. does not disclose or suggest the above described first feature of the present invention as recited in independent claim 1, the above described second feature of the present invention as recited in independent claim 6, the above described third feature of the present invention as recited in independent claim 11, the above described fourth feature of the present invention as recited in independent claim 15, and the above described fifth feature of the present invention as recited in independent claim 16, in combination with the other limitations recited in each of the independent claims.

Therefore, since the cited references fail to disclose or suggest the above described first feature of the present invention as recited in independent claim 1, the above described second feature of the present invention as recited in independent claim 6, the above described third feature of the present invention as recited in independent claim 11, the above described fourth feature of the present invention as recited in independent claim 15, and the above described fifth feature of the present invention as recited in independent claim 16, in combination with the other limitations recited in each of the independent claims, it is submitted that all of the claims are patentable over the cited references whether said references are taken individually or in combination with each other.

#### **F. Conclusion**

Applicant has conducted what it believes to be a reasonable search, but makes no representation that "better" or more relevant prior art does not exist. The United States Patent and Trademark Office is urged to conduct its own complete search of the prior art, and to thoroughly examine this application in view of the prior art cited herein and any other prior art that the United States Patent and Trademark Office may locate in its own independent search. Further, while Applicant has identified in good faith certain portions of each of the references listed herein in order to provide the requisite detailed discussion of how the claimed subject matter is patentable over the references, the United States Patent and Trademark Office should not limit its review to the identified portions but rather, is urged to review and consider the entirety of each

reference, and not to rely solely on the identified portions when examining this application.

In view of the foregoing, Applicant requests that this Petition to Make Special be granted and that the application undergo the accelerated examination procedure set forth in MPEP 708.02 VIII.

**G. Fee (37 C.F.R. 1.17(h))**

The fee required by 37 C.F.R. § 1.17(h) is to be paid by:

[ X] the Credit Card Payment Form (attached) for \$130.00.

[ ] charging Account \_\_\_\_\_ the sum of \$130.00.

A duplicate of this petition is attached.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (Atty. Docket No. 213.43347X00).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

  
\_\_\_\_\_  
Frederick D. Bailey  
Registration No. 42,282

FDB/sdb  
(703) 684-1120